

MISSOURI BOARD OF PHARMACY

ANNUAL REPORT FOR THE FISCAL YEAR ENDING
JUNE 30, 2002



BOB HOLDEN, GOVERNOR
STATE OF MISSOURI

JOSEPH DRISKILL, DIRECTOR
DEPARTMENT OF ECONOMIC DEVELOPMENT

MARILYN TAYLOR WILLIAMS, DIRECTOR
DIVISION OF PROFESSIONAL REGISTRATION

ANNUAL REPORT

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**DEPARTMENT OF ECONOMIC
DEVELOPMENT**
DIVISION OF PROFESSIONAL REGISTRATION
BOARD OF PHARMACY MEMBERS AND STAFF

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Web Site <http://www.ecodev.state.mo.us/pr/pharmacy/>

BOARD MEMBERS

James L. Gray, III, R. Ph., President
Elaina M. Wolzak, R. Ph., Vice President
Barbara J. Dunning, R. Ph., Member
Douglas R. Lang, R.Ph., Member
Martin H. Michel, R. Ph. Member
Gary F. Sobocinski, R. Ph., Member
Elaina Wolzak, R. Ph., Member
Anita K. Parran, Public Member

BOARD INSPECTORS

Thomas Glenski, R. Ph., Chief Inspector
Robert "Bud" Alexander, R. Ph., Inspector
Jerome Gershman, R. Ph., Inspector
Kim Kaufman, R. Ph., Inspector
Michael Kidd, R. Ph., Inspector
Frank Van Fleet,, R.Ph.Inspector

EXECUTIVE DIRECTOR

Kevin E. Kinkade, R.Ph.

OFFICE STAFF

Sharon Roberts
Tammy Siebert
Regina Blanchard
Courtney Nokes
Don Walker
Deanna Allen
Nancy Gillam

Executive Assistant
Compliance Coordinator
Pharmacist Coordinator
Drug Distributor Coordinator
Pharmacy Technician Coordinator
Pharmacy Coordinator
Licensing Technician I

DIVISION OF PROFESSIONAL REGISTRATION

Marilyn Taylor Williams - Division Director

ORGANIZATION AND DESCRIPTION OF THE BOARD OF PHARMACY

The Missouri Board of Pharmacy is an agency within the Division of Professional Registration, Department of Economic Development. The Board's mission is to promote, preserve and protect the public health, safety and welfare by assuring the provision of quality pharmaceutical care to the citizens of Missouri, through the regulation of the practice of pharmacy.

The Board was created by House Bill No. 87 of the General Assembly of 1909. The Board consists of seven (7) persons, one who is a public member and six (6) who are licensed pharmacists actively engaged in the practice of pharmacy. At least one of these members must be a person who provides, on a full-time basis, pharmaceutical services to a hospital, skilled nursing facility or an intermediate care facility. Board Members are appointed by the Governor and hold office for (5) years from the date of their appointment and until their successors have been appointed and qualified. Board Members appointed by the Governor are subject to approval of the Senate. Annually, the Board shall organize by the election of a president, and a vice president, each of whom serves for one year.

The Board is provided authority by Section 338.035, 338.140, 338.280 and 338.350 RSMo. 2000 to adopt rules and regulations for the application and enforcement of Chapter 338, RSMo.

The Board has superintending control over the practice of pharmacy in the State of Missouri and its primary duties consist of:

1. Examining and licensing of applicants;
2. Accrediting of pharmacy colleges;
3. Renewing biennially, the licenses of qualified pharmacists, pharmacies, drug distributors, and renewing annually, the licenses of intern pharmacists;
4. Investigation of complaints involving any licensee or registrant received including public complaints, information from other state and/or federal agencies, or violations discovered during routine inspections of pharmacy and drug distributor operations;
5. Suspending, revoking, or placing on probation the license of any pharmacist, pharmacy, drug distributor, or intern pharmacist found to be in violation of Chapter 338, RSMo;
6. Inspection of pharmacies and drug distributors;
7. Inspection and licensing of pharmacies for intern certification;
8. Licensing and biennial renewal of non-resident pharmacies and drug distributors;
9. Registering and renewing pharmacy technicians annually.

The Board maintains a record of all of its proceedings through the maintenance of minutes for both its open and closed session meetings, pursuant to provisions in Chapter 610 and 620.

The Board appoints five members to an Advisory Committee for Drug Distributors. This committee advises and makes recommendations to the Board concerning any rule changes proposed involving the drug distributor licensing program. A list of the current members of the committee is available at the Board of the Pharmacy office.

Several publications are available through the Board of Pharmacy. These include the Annual Report, the Board of Pharmacy Red Lawbook , the Negative Formulary, the Consumers Report and the Board of Pharmacy quarterly Newsletter.

The Board is an active member of the National Association of Boards of Pharmacy, and a member of District 6 in NABP.

**KEVIN E. KINKADE, R.PH
EXECUTIVE DIRECTOR**

Special Activities during Fiscal Year 2002

Periodically, the Board convenes Advisory Committees to discuss a specific issue and make recommendations to the Board.

During fiscal year 2002, the Board established an Intern Advisory Committee to address the issues of intern training. Representatives from the following groups and/or areas of practice comprised the Advisory Committee:

St. Louis College of Pharmacy
University of Missouri-Kansas City School of Pharmacy
Missouri Pharmacy Association
Missouri Society of Health System Pharmacists
Home Health Association
Long Term Care Pharmacy
At large Member

In addition, the Board holds open forums during a regularly scheduled board meeting to discuss pharmacy issues. During fiscal year 2002, the Board held three (3) open forums, as follows:

August 15, 2001 – Special board meeting/open forum to address the topic of Quality Assurance/Medication Errors.

September, 2001 – During the regular board meeting, two open forums were scheduled. The first was to address statute changes to chapter 338.210 and 338.220, establishing a new pharmacy class, Class J: Shared Services. The second was to discuss the issue of Quality Assurance/Medication Errors.

BOARD STRATEGIC PLAN

At an annual Retreat in March, the board identifies both current and expected pharmacy issues, reviews statutes and regulations, and develops a strategic plan for the next year. They also review board office activities, review statistics and identify areas which need improvement or change. The Strategic Plan is then a part of the April regular board meeting agenda for approval or revision. Once the Strategic Plan is approved, the Executive Director initiates the necessary action within the Board Office and with field staff, to meet the goals established. As activity occurs, the plan is updated and is a part of each board meeting open agenda. Issues identified and added to the Strategic Plan for 2002-2003 are:

- ◆ Review of present standards governing internship
- ◆ Promote legislative changes which will enhance Board's ability to provide proper oversight of the profession resulting in positive outcomes for public health
- ◆ Establish an e-mail network between Board and pharmacies/drug distributors.
- ◆ Improve the flow of information to complainants from board office concerning outcome of investigations.
- ◆ Update regulations in order to provide up-to-date minimum standards to promote public health
- ◆ Work with the Board of Healing Arts to provide a joint policy statement which will form the basis for practice and enforcement standards for internet prescribing and dispensing.

\$\$ FINANCIAL INFORMATION \$\$

The Missouri Board of Pharmacy's appropriation for fiscal year ending June 30, 2002 was as follows:

Personal Service	\$ 517,305	Expense and Equipment	\$ 178,499
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Criminal History Fund	\$ 41,140 E
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Transfers \$ 372,621

*Transfers include:

- Rent
- Professional Registration
- Optical Imaging
- DED/MIS
- Hancock Refunds
- Licensing System
- Attorney General
- Administrative Hearing Commission

BOARD MEETING INFORMATION

During the fiscal year ending June 30, 2002, the Board met in regular session a total of 10 days.

INSPECTION INFORMATION

During the fiscal year ending June 30, 2002, the six (6) board inspectors conducted a total of 1242 regular inspections of pharmacies and drug distributors throughout the state. This total does not include additional trips to a pharmacy or drug distributor for follow-up inspections or investigations.

GOLD CERTIFICATES ISSUED

The following individuals received Gold Certificates during FY 2002, which are signed by the Governor of the State of Missouri, as well as by the Board Members and the Executive Director. The certificate represents fifty (50) years of active service as a Missouri Pharmacist.

Billings, Chester D	St. Louis	MO
Blair, Richard E	St Louis	MO
Bower, Shelton E	Kansas City	MO
Clayton, John T	St Louis	MO
Clinton, Halbert L	Vandalia	MO
Cohen, Jerome A	Creve Coeur	MO
Dinwiddie, William H	Tipton	MO
Evans, Henry F, Jr	Neosho	MO
Fadem, Harold	St Louis	MO
Faught, Doris V	Shalimar	FL
Gibson, Ewing M	Branson	MO
Gordon, Irving B	St. Louis	MO
Greco, Joseph A	Bridgeton	MO
Henderson, William E	Glasgow	MO
Hesselberg, Ben	St Louis	MO
Hitt, Albert C	Cape Girardeau	MO
Holding, Richard G	Kansas City	MO
Honigberg, David	St Louis	MO
Jones, Billy D	Sikeston	MO
Kean, David	St Louis	MO
Kinkead, Roscoe H	Centralia	MO
Levison, Jack A	Chesterfield	MO
Louis, Frederick J	St Louis	MO
Mccallon, James N	Springfield	MO
McDonald, Kenneth M	St Joseph	MO
Mikoliza, Zolton J	Joplin	MO
Miller, Bernard S, Jr	Granite City	IL
Misko, Charles B	Camdenton	MO
Mitchell, James	San Antonio	TX
Mizes, Harvey	Chesterfield	MO
Norrid, William E	Malden	MO
Otto, William E	St Louis	MO
Porter, Theodore J, Jr	St Charles	MO
Reichert, Harold L	Kansas City	MO
Roper, Harold J	Springfield	MO
Ruffner, John H	Salisbury	MO
Short, Mary L	Litchfield	IL
Simpson, Robert L	St Louis	MO
Stoker, Gloria H	Murphysboro	IL
Verzino, Nicholas J	Richmond Height	MO
Werner, Alvin L	St Louis	MO
Windham, Forrest D	Trophy Club	TX
Wood, Floyd E, Jr	Kirkwood	MO
Zoellner, Richard L	Coronado	CA

Other Board Information

During the period July 1, 2001 to June 30, 2002, the Board received and responded to 18,112 incoming telephone calls regarding a variety of subjects, as evidenced by the chart shown in the appendix.

BOARD RULES FILED OR AMENDED

During the fiscal year ended June 30, 2002, the Board amended or adopted the following rules:

4 CSR 220-2.032 Licensure by Examination for Graduates of Nonapproved Foreign Pharmacy Schools - Removed the requirement that a candidate complete the TOEFL and TSE examinations. These two examinations are required by the National Association of Boards of Pharmacy for issuance of the FPGECC Certification, also required for eligibility for examination in Missouri. **Effective 9/30/01.**

4 CSR 220-4.010 General Fees – Established the fee for biennial renewal for pharmacies and drug distributors. This was not a fee increase, simply the annual renewal fee doubled for the two year renewal period.. **Effective 9/30/01.**

4 CSR 220-5.020 Drug Distributor Licensing Requirements – Expanded the conviction language. **Effective 11/30/01.**

4 CSR 220-2.085 Electronic Transmission of Prescription Information – Added language to provide for electronic signatures on prescriptions under certain conditions. **Effective 11/30/01.**

4 CSR 220-2.010 Pharmacy Standards of Operation – Amended Section (8) to provide for the possession of certain drugs in limited quantities by home health agencies and nurses. **Effective 2/28/02.**

4 CSR 220-2.020 Pharmacy Permits – Amended to add new Class J: Shared Services classification. **Effective 6/30/02.**

4 CSR 220-2.650 Standards of Operation for a Class J: Shared Services Pharmacy – New rule to establish minimum requirements for this pharmacy classification. **Effective 6/30/02.**

DISCIPLINARY INFORMATION COMPLAINTS FILED

**STATISTICS BELOW REFLECT TOTAL COMPLAINTS
FOR THE FISCAL YEAR ENDING JUNE 30, 2002**

Total Complaints Received and Reviewed by the Board307

Breakdown of Source of Complaints	
Complaints Received From Public	143
Complaints Received from Other Agencies	13
Complaints Received from Board Inspectors	78
Complaints Received from Other State Boards	5
Complaints Regarding Licensing Issues	68

TYPES OF COMPLAINTS INVOLVED	
Adulterated Drugs	6
Alcohol	3
Compounding	5
Confidentiality	3
Counseling	4
Disciplinary Action in Another State	8
Discipline Revisions	7
Dispensing Errors	51
Drug/Alcohol Related	9
Drug Distributor Violations	1
Ethical	2
Expired Drugs	1
False or Misleading Advertising	2
Falsified Application	8
Felony Conviction	13
Fraud-Unspecified	1
Fraudulent Prescriptions	4
Imposter	1
Improper Controls	7
Improper Dispensing	29
Licensure applicant	1
Loss of Drugs	10
Mandatory Reporting violation	1
Misbranding	1
Mislabeled	6
No Jurisdiction	23
Pharmacy Permit Violations	8
Practicing without a License	20
Previous Disciplinary Action	3
Recordkeeping	5
Sale of Drugs for illegal purposes	2
Sale of Drugs to/from Unlicensed Facility	1
Samples	2
Substitution	2
Theft of Drugs	22

Theft of Drugs for Self-Administration	3
Theft of Drugs for Sale to others	1
Theft of Money	3
Unauthorized Dispensing	5
Unauthorized Refills	5
Unsupervised Dispensing	3
Violation of Disciplinary Order	15

DISPOSITION

Administrative Correction Letters Sent	31
Administrative Warning Letters Sent	17
Professional Misconduct Letters Sent	10
Cease and Desist Letters Sent	21
Denial Letters Sent	10
Technician Disqualification Letters Sent	47
Miscellaneous Non-Administrative Board Letters Sent	6
Complaints Referred to Attorney General's Office	40
Investigations Requested/Not Complete	47
Individuals Requested to Meet with the Board	14
No Action/Insufficient Evidence	64
Disposition Complete – Other	37

NOTE

Disposition numbers will not equal the number of complaints received and processed, since some cases resulted in dual action, i.e., the pharmacist met with the Board and then received some type of letter, or was referred to the Attorney General's office for filing, etc.

DISCIPLINARY ACTION TAKEN

Complaints Filed with AHC.....5

ACTIONS

Actions	Count
Disciplinary Hearings Held	1
Felony Hearings Held	0
Settlement Agreements Entered	15
Settlement Agreements w/AHC	1
Restricted Licenses Issued Pursuant to Section 620.149	5
Violation Hearings Held	1

DISCIPLINE RESULTS

Discipline Results	Count
Pharmacist Denials	2
Pharmacy Permit Denials	2
Pharmacist Licenses Revoked	0
Pharmacist Licenses Suspended Followed by Probation	8
Pharmacist Licenses on Probation	11
Pharmacist Licenses Censured	0
Pharmacy Permits on Probation	2
Pharmacy Permits Censured	0
Drug Distributor Licenses on Probation	0
Voluntary Surrender of License	2
Injunction	0
Restricted Intern Licenses Issued Pursuant to Section 620.149	0

NOTE

Since the time frame of cases from point of first review to the final disposition may be lengthy, the totals shown above will not necessarily balance. A case may be reviewed by Board, referred to the Attorney General's office, filed with the Administrative Hearing Commission and be decided by disciplinary hearing, consent order or otherwise, all in separate fiscal years.

CENSUS OF LICENSED PHARMACISTS
YEAR ENDING JUNE 30, 2002



TOTAL PHARMACISTS INSTATE AND OUT OF STATE

Total Licensed Pharmacists	7,123
Active license	6,828
Male	3,933
Female	2,895
Inactive license	295
Male	176
Female	119

TOTAL NUMBER OF PHARMACISTS RESIDING IN MISSOURI

Active License – Practicing Pharmacy	4,561
Male	2,693
Female	1,868
Male – Inactive	53
Female – Inactive	18

BREAKDOWN OF EMPLOYMENT STATUS IN MISSOURI

Retail Pharmacy (Independent)	994
Community Pharmacy (Chains)	1,403
Hospitals and Clinics	1,030
Nursing Homes	91
Consulting	114
Nuclear	18
Home Health	55
Teaching	39
Retired	123
Not Practicing in Missouri	1
Not Active in Pharmacy	155
Unemployed	75
Manufacturing	1
Government	15
Armed Services	1
Sterile Products	4
Other	63
Unknown	378



AGE GROUP BREAKDOWN OF INSTATE AND OUT-OF-STATE PHARMACISTS

Under the age of 30	921
Ages 30-39	1,604
Ages 40-49	2,053
Ages 50-59	1,533
Ages 60-69	659
Ages 70-79	299
Ages 80-89	49
Ages 90+	5

CENSUS OF LICENSED PHARMACIES AS OF JUNE 30, 2002

Total Licensed Pharmacies As Of June 30, 2002.....	1,570
Instate Pharmacies.....	1,296
Non-Resident Pharmacies.....	274



BREAKDOWN OF INSTATE PHARMACIES

Class A-Retail Pharmacies (Independent)	569
Class A - Chain Pharmacies.....	516
Class B - Hospital Pharmacies	122
Class C - LTC Pharmacies	27
Class D – Home Health Pharmacies	11
Class E – Radiopharmaceutical	7
Class F – Renal Dialysis Pharmacies.....	2
Class G – Medical Gas Pharmacies	0
Class H – Sterile Products.....	2
Class I – Consultant Pharmacy.....	2
Class J – Shared Services Pharmacy (new-6/30/02).....	0

CENSUS OF DRUG DISTRIBUTORS/MANUFACTURERS LICENSED AS OF JUNE 30, 2002

Total Drug Distributors Licensed with a Permanent License	957
Total Drug Distributors Licensed with a Temporary License.....	79
Total Out-of-State Manufacturers Registered.....	84



NOTE

Any out-of-state drug company or manufacturer that ships/transfers legend drugs or devices into this state is required to obtain an out-of-state drug distributor license with this office.

Upon receipt of a license application, the company is issued a temporary license. This temporary license is valid for a period of 1 year or until the application has been completely processed by this office, at which time a permanent license is issued or the application is denied by the Board.

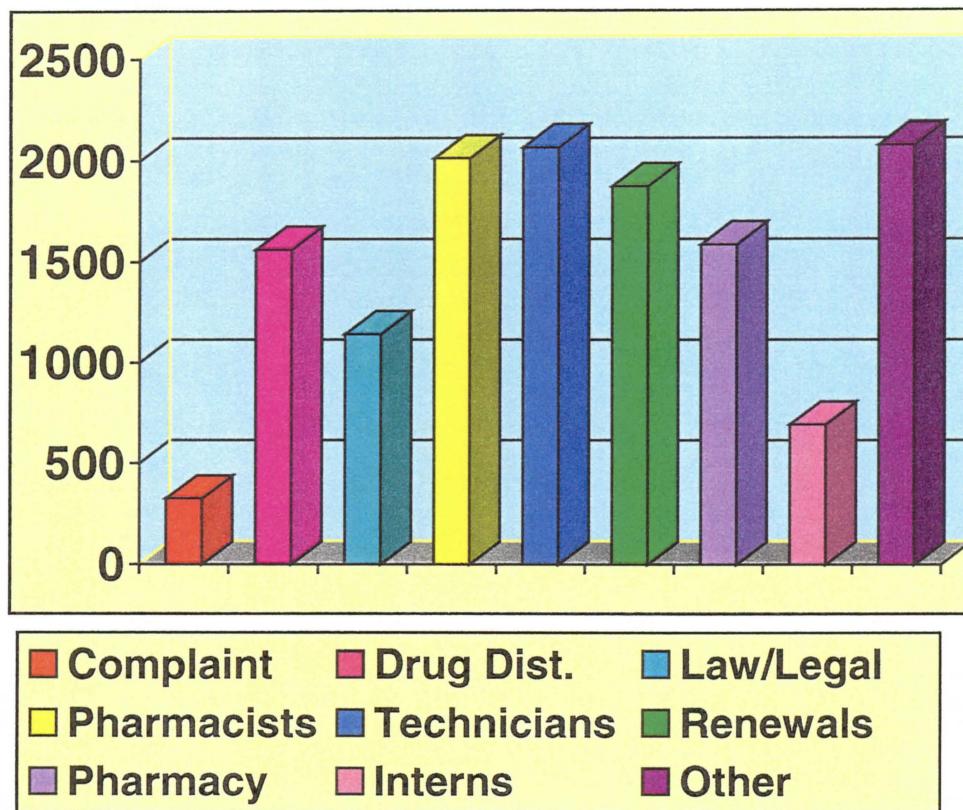
All in-state drug companies that ship/transfer legend pharmaceuticals are also required to obtain licensure with this office.

Any pharmacy that distributes legend drugs to any entity other than the consumer (the patient), such as other pharmacies, physicians, etc., must obtain a drug distributor's license if that type of distribution exceeds 5% of the pharmacy's total gross sales.

CENSUS OF OTHER LICENSEES AS OF JUNE 30, 2002

Total Licensed Interns.....	693
Total Registered Pharmacy Technicians.....	8,638

During the calendar year 2001, the seven (7) employees of the Board of Pharmacy received and responded to 16,010 incoming telephone calls, covering a variety of subjects. The major topics are indicated in the chart below:



MISSOURI BOARD OF PHARMACY
INSPECTORS AND COUNTIES ASSIGNED

#1 VanFleet	#2 Kaufman	#3 Glenski	#4 Kidd	#5 Alexander	#6 Gershman
Bates	Barry	Adair	Camden	Bollinger	Audrain
Benton	Barton	Andrew	Cole	Butler	Boone
Cass	Cedar	Atchison	Franklin	Cape Girardeau	Callaway
Cooper	Christian	Buchanan	Gasconade	Carter	Clark
Henry	Dade	Caldwell	Maries	Crawford	Knox
Howard	Dallas	Carroll	Miller	Dent	Lewis
Jackson	Douglas	Chariton	Moniteau	Dunklin	Lincoln
Johnson	Greene	Clay	Morgan	Iron	Marion
Lafayette	Hickory	Clinton	Osage	Jefferson	Monroe
Pettis	Howell	Davies	Phelps	Madison	Montgomery
Saline	Jasper	Dekalb	Pulaski	Mississippi	Pike
	LaClede	Gentry	STL City	New Madrid	Ralls
	Lawrence	Grundy	STL CO	Oregon	STL Co.
	McDonald	Harrison		Pemiscot	STL City
	Newton	Holt		Perry	Scotland
	Ozark	Linn		Reynolds	Shelby
	Polk	Livingston		Ripley	Warren
	St. Clair	Macon		Scott	
	Stone	Mercer		Shannon	
	Taney	Nodaway		St. Charles	
	Texas	Platte		St. Francois	
	Vernon	Putnam		Ste.Genevieve	
	Webster	Randolph		Stoddard	
	Wright	Ray		Washington	
		Schyler		Wayne	
		Sullivan			
		Worth			

St. Louis City and County divided by Hwy 40 - North of Hwy 40 = Jerry Gershman/ South of Hwy 40 = Mike Kidd

Territory assignments as of 4/11/01